

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GABRIEL ECKARD

Plaintiff,

V.

CHARLES MITCHELL, *et al.*,

Defendants.

CASE NO. C18-01810-RSM

ORDER GRANTING MOTION FOR
EXTENSION OF TIME

This matter comes before the Court on Plaintiff Gabriel Eckard's Motion for Extension of Time to File Objections, Dkt. #26. For the reasons set forth below, the Court GRANTS Plaintiff's Motion for a Time Extension.

On May 17, 2019, Magistrate Judge Michelle L. Peterson issued a Report and Recommendation (“R&R”) recommending that the Court grant Defendants’ Motion for Summary Judgment and dismiss this matter with prejudice. Dkt. #25. Plaintiff’s Objections to the R&R are due by June 7, 2019. On May 28, 2019, Plaintiff filed a Motion for Extension of Time to File Objections, claiming that he is currently being denied access to the law library and cannot access legal materials to conduct research for his Objections. Dkt. # 26.

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1 Inmates do not have an “abstract, freestanding right to a law library or legal assistance.”

2 *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (quoting *Lewis v. Casey*, 518 U.S. 343, 351

3 (1996)) (internal citations omitted). However, inmates do have a fundamental constitutional right

4 of access to the courts with respect to criminal appeals, habeas petitions, and civil rights actions.

5 *Davis v. Hayes*, No. C16-1709 RSM-BAT, 2017 WL 1399625, at *7 (W.D. Wash. Mar. 24, 2017)

6 (citing *Lewis*, 518 U.S. at 354). Included in this right of access to the courts is the requirement

7 that inmates be provided access to the “tools” needed to attack their sentences or challenge

8 conditions of their confinement. *Hebbe*, 627 F.3d at 343.

9 Here, Plaintiff's underlying complaint alleges a civil rights violation pursuant to 42 U.S.C.
10 § 1983 related to the conditions of his confinement. Since law library access may be considered a
11 "tool" that Plaintiff needs to prepare his Objections, the Court finds that Plaintiff has shown good
12 cause for a time extension. Accordingly, the Court GRANTS Plaintiff's Motion for Extension of
13 Time, Dkt. #26, extending Plaintiff's time to file objections by thirty (30) days.

CONCLUSION

15 The Court, having reviewed the relevant briefings, does hereby find and ORDER that
16 Plaintiff's Motion for Extension of Time, Dkt. #26, is GRANTED. Plaintiff's time to file
17 objections is extended by thirty (30) days to **July 8, 2019**.

DATED this 4 day of June 2019.

Ricardo S. Martinez
RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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